

**LAGOMARSINO LAW**  
ANDRE M. LAGOMARSINO, ESQ. (#6711)  
TAYLOR N. JORGENSEN, ESQ. (#16259)  
3005 West Horizon Ridge Pkwy., Suite 241  
Henderson, Nevada 89052  
Telephone: (702) 383-2864  
Facsimile: (702) 383-0065  
[aml@lagomarsinolaw.com](mailto:aml@lagomarsinolaw.com)  
[taylor@lagomarsinolaw.com](mailto:taylor@lagomarsinolaw.com)  
*Attorneys for Plaintiff John Doe*

**UNITED STATES DISTRICT COURT**

## DISTRICT OF NEVADA

JOHN DOE, a minor, by and through his natural parent, Jane Doe,

CASE NO: 2:24-cv-01626-APG-BNW

Plaintiff,

VS.

JASON GATHING, an individual and BRIAN BENITEZ, an individual,

## Defendants.

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINES**

**(SECOND REQUEST)**

IT IS HEREBY STIPULATED AND AGREED between the parties and their undersigned attorneys that the discovery cut-off date of June 30, 2025, be continued for a period of sixty (60) days from the Court's prior Order (ECF No. 26), for the purpose of allowing the parties to attempt to resolve the case without further litigation and, should that fail, complete written discovery, complete the depositions of the remaining parties, experts, and lay witnesses, and any other discovery the parties wish to conduct.

## I. DISCOVERY COMPLETED TO DATE

The Parties have completed the following discovery to date:

- Disclosure of Documents:

- All parties have served their Initial List of Witnesses and Documents Made Pursuant to FRCP 26(a)(1): Defendants served theirs on October 31, 2024, and Plaintiff served his on November 4, 2024.
  - Defendants Gathering and Benitez served their First Supplemental Disclosure of Witnesses and Documents Pursuant to FRCP 26(a)(1) to Plaintiff on November 26, 2024.

- 1           ○ On December 18, 2024, Defendants Gathering and Benitez served their Second  
2           Supplemental Disclosure of Witnesses and Documents Pursuant to FRCP 26(a)(1).
- 3       • Written Discovery:  
4           ○ On October 21, 2024, Plaintiff served his First Set of Requests for Admission, First  
5           Set of Requests for Production, and First Set of Interrogatories on Defendant Jason  
6           Gathering. Defendant Gathering served his responses on November 26, 2024.  
7           ○ Plaintiff served his First Set of Requests for Production to Defendant Brian Benitez  
8           on November 18, 2024. On November 20, 2024, Plaintiff served his First Set of  
9           Requests for Admission and First Set of Interrogatories to Defendant Brian Benitez.  
10          Defendant Benitez served his responses on December 18, 2024.  
11          ○ On November 18, 2024, Plaintiff served his Second Set of Requests for Production  
12          to Defendant Gathering. Defendant Gathering served his responses on December 18,  
13          2024.  
14          ○ On January 24, 2025, Defendants served their first set of First Set of Requests for  
15          Admission, First Set of Requests for Production, and First Set of Interrogatories on  
16          Plaintiff. Plaintiff served his responses on March 5, 2025.
- 17       • Third-Party Subpoenas:  
18           ○ On October 22, 2024, Plaintiff served a Notice of Intent to Serve Subpoena *Duces  
19           Tecum* on the Custodian of Records for The Las Vegas Metropolitan Police  
20          Department and a Notice of Taking the Deposition of the Custodian of Records for  
21          the Las Vegas Metropolitan Police Department and Subpoena for November 6, 2024.  
22          Defendants provided the documents responsive to this subpoena.  
23           ○ On February 26, 2025, Plaintiff served a second Notice of Intent to Serve Subpoena  
24           *Duces Tecum* on the Custodian of Records for The Las Vegas Metropolitan Police  
25          Department and a Notice of Taking the Deposition of the Custodian of Records for  
26          the Las Vegas Metropolitan Police Department and Subpoena for March 14, 2025.  
27          Defendants have indicated that they will be providing the documents responsive to  
this subpoena.
- 28       • Depositions:  
29           ○ On November 21, 2024, Plaintiff served a Notice of Taking the Deposition of Jason  
30          Gathering. On January 6, 2025, Plaintiff served an amended Notice of Taking the  
31          Deposition of Jason Gathering. Defendant Gathering's deposition was completed on  
32          January 30, 2025.  
33           ○ On November 21, 2024, Plaintiff served Notice of Taking the Deposition of Brian  
34          Benitez. Defendant Benitez's deposition was completed on January 16, 2025.  
35           ○ On January 7, 2025, Defendants served a Notice of Depositions of Plaintiffs. Mr.  
36          Doe's deposition was completed on February 10, 2025.  
37           ○ On January 7, 2025, Defendants served a Notice of Depositions of Plaintiffs. Ms.  
38          Doe's deposition was completed on February 10, 2025.  
39           ○ On February 25, 2025, Plaintiff served a notice of deposition for Kreg Burnette, MD.  
40          Dr. Burnette's deposition was vacated on March 11, 2025 and will be rescheduled to  
another date.

- 1      ○ On February 25, 2025, Plaintiff served a notice of deposition for Marlon Mendoza,  
MD. Dr. Mendoza's deposition was completed on March 14, 2025.
- 2      ○ On February 25, 2025, Plaintiff served a notice of deposition for Benjamin Muir,  
MD. Dr. Muir's deposition was vacated on March 11, 2025 and will be rescheduled  
3      to another date.
- 4      ○ On February 25, 2025, Plaintiff served a notice of deposition for Sydney Phan, DO.  
Dr. Phan's deposition was vacated on March 12, 2025 and will be rescheduled to  
5      another date.

## 6      **II. DISCOVERY YET TO BE COMPLETED**

7      The Parties have yet to complete the following discovery:

- 8      • the depositions of fact witnesses;
- 9      • the depositions of Plaintiff's medical providers;
- 10     • subpoenas *duces tecum* and the depositions of third-party percipient witnesses;
- 11     • expert witness disclosures and expert witness depositions;
- 12     • additional written discovery which may include written discovery to one another and/or  
additional subpoenas to third parties; and
- 13     • Any additional discovery the parties wish to conduct.

14     The Parties reserve the right to conduct additional discovery that is permitted by the Federal  
Rules of Civil Procedure.

## 15     **III. REASONS WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

16     The Parties have been diligent in conducting discovery in this matter. Upon the completion  
of taking all named-party depositions, the Parties began to discuss early resolution of this matter  
17     and are hopeful that they can come to an agreement without further litigation. In order to save  
resources that could be used for the potential settlement of this matter, the Parties seek this  
18     extension, in part, to save costs on experts and depositions while negotiations are taking place.  
19     Additionally, Plaintiff's counsel has several upcoming depositions, dispositive motion deadlines,  
20     and expert disclosure deadlines in other cases that coincide with the upcoming deadlines herein.  
21     Given that the Parties may be able to settle this matter, it is more efficient to allocate time to those  
22     cases which are moving forward to trial.

23     ...

24     ...

25     ...

1           **IV. PROPOSED EXTENDED DEADLINES**

	<u>Current</u>	<u>Proposed</u>
Discovery cut-off	6/30/25	Friday, August 29, 2025
Deadline to amend pleadings and add parties	CLOSED	CLOSED
Deadline for initial expert disclosures	4/30/25	Monday, June 30, 2025
Deadline for rebuttal expert disclosures	6/2/25	Wednesday, July 30, 2025
Deadline to file dispositive motions	7/29/25	Monday, September 29, 2025
Deadline to file pre-trial order	8/28/25	Wednesday, October 29, 2025 or 30 days after the dispositive motions have been decided.

10           This request for an extension is made in good faith and joined by all the parties in this case.  
 11          The Request is timely pursuant to LR 26-3. Trial is not yet set in this matter and dispositive motions  
 12       have not yet been filed. Accordingly, this extension will not delay this case. Since this request is  
 13       a joint request, no party will be prejudiced. Furthermore, the extension will allow the parties the  
 14       necessary time to complete discovery.

15           **IT IS SO STIPULATED AND AGREED.**

16          DATED this 18<sup>th</sup> day of March, 2025.

17          **LAGOMARSINO LAW**

18          \_\_\_\_\_  
 19          /s/ Taylor N. Jorgensen  
 20          ANDRE M. LAGOMARSINO, ESQ. (#6711)  
 21          TAYLOR N. JORGENSEN, ESQ. (#16259)  
 22          3005 W. Horizon Ridge Pkwy., #241  
 23          Henderson, Nevada 89052  
 24          Telephone: (702) 383-2864  
 25          Attorneys for Plaintiff John Doe

16          DATED this 18<sup>th</sup> day of March, 2025.

17          **MARQUIS AURBACH**

18          \_\_\_\_\_  
 19          /s/ Craig R. Anderson  
 20          CRAIG R. ANDERSON, ESQ. (#6882)  
 21          ANDREW D. YATES, ESQ. (#17016)  
 22          10001 Park Run Drive  
 23          Las Vegas, Nevada 89145  
 24          Telephone: (702) 382-0711  
 25          Attorneys for Defendants Gathin & Benitez

22           **IT IS SO ORDERED.**

23            
 24          UNITED STATES MAGISTRATE JUDGE

25          DATED: March 19, 2025